

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;	)	Civ. No. CV03 00385 SOM-LEK
	)	(Copyright)
Plaintiff,	)	
	)	<b>DECLARATION OF TIMOTHY J.</b>
vs.	)	<b>HOGAN; EXHIBITS "A"- "C"</b>
	)	
HAWAIIAN EXPRESS SERVICE,	)	
INC., a California corporation; et al.	)	
	)	
Defendants.	)	
_____	)	

**DECLARATION OF TIMOTHY J. HOGAN**

I, TIMOTHY J. HOGAN, hereby make the following declaration under penalty of law:

1. I am an attorney with the law firm of Lynch Ichida Thompson Kim & Hirota, which represents Plaintiff in the above-captioned matter.

2. Attached hereto as Exhibit "A" is a true and correct excerpt of the Deposition of Wayne Berry taken on May 18, 2005 in *Wayne Berry v. Hawaiian Express Service, Inc.*.

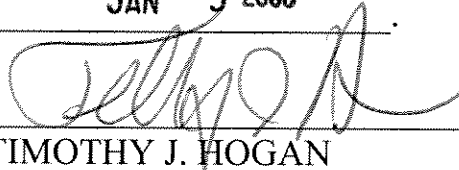
3. Attached hereto as Exhibit "B" is a true and correct of the screen print showing the number of tables in the Berry FCS 1993, the true original database

authored by Mr. Berry. This exhibit was attached to the Supplemental Expert Report of Martin Walker Phd as its Exhibit 4. The exhibit shows 69 tables.

4. Attached as Exhibit "C" is a true and correct copy of the screen print of the Original Logistics Data.mdb database that I created from a copy of the Original Logistics Data.mdb database that I received from the PCT's attorney, Lex Smith pursuant to a discovery request. This database program was not produced prior to the grating of summary judgment in this case on the issue of infringement and willfulness. The exhibit shows 88 tables.

DATED: Honolulu, Hawaii, \_\_\_\_\_

JAN 3 2006



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TIMOTHY J. HOGAN